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12 Attorneys for Defendant
Twitter, Inc.

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION
16

17 JOHN DOE #1 AND JOHN DOE #2,
18 Plaintiff,
19
20 v.
21 TWITTER, INC.,
22 Defendant.
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Case No. 3:21-cv-00485-JCS

**DECLARATION OF LINH K. NGUYEN IN
SUPPORT OF DEFENDANT TWITTER, INC.'S
MOTION FOR LEAVE TO FILE MOTION FOR
RECONSIDERATION OR, IN THE
ALTERNATIVE, MOTION FOR AN ORDER
PERMITTING INTERLOCUTORY APPEAL
PURSUANT TO 28 U.S.C. § 1292(b)**

Hearing Date: November 19, 2021
Hearing Time: 9:30 a.m.
Judge: Honorable Joseph C. Spero

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2 I, Linh K. Nguyen, declare as follows:

3 1. I am an attorney licensed to practice law in California and am an associate at Cooley,
4 LLP and counsel of record for Defendant Twitter, Inc. (“Twitter”) in this matter. I make this
5 declaration based on my personal knowledge of this matter and information I obtained following a
6 reasonable investigation of the events described below. If called as a witness, I could and would
7 testify competently to the matters stated herein.

8 2. **Exhibit A** is a true and correct copy of the draft Motion for Reconsideration Twitter
9 intends to file if the Court grants Twitter’s Motion for Leave to File for Reconsideration.

10 3. **Exhibit B** is a true and correct copy of the tentative order on defendant’s motion to
11 dismiss issued by the Honorable James V. Selna in the matter *Jane Doe et al. v. Reddit, Inc.*, Case
12 No. 21-cv-768-JVS (C.D. Cal.) on September 17, 2021. In its tentative order, the court vacated the
13 September 20, 2021 hearing date. On September 21, 2021, plaintiffs filed a request for a hearing.
14 Defendant a response on September 29, 2021. At the time this declaration was filed, the court had
15 not yet ruled on plaintiffs’ request for a hearing.

16 4. **Exhibit C** is a true and correct copy of excerpts from the transcript of the August 6,
17 2021 hearing on Twitter’s motion to dismiss Plaintiffs’ First Amended Complaint.

18 5. Since the Court’s August 19, 2021 Order issued, the parties met and conferred
19 regarding their respective appellate options on August 20, August 25, and September 13, 2021.

20 6. On September 13, 2021, Twitter’s counsel informed Plaintiffs’ counsel that in light
21 of Judge Gilliam’s September 8, 2021 order in *J.B. v. G6 Hospitality, LLC*, 2021 WL 4079207
22 (N.D. Cal. Sept. 8, 2021), Twitter intended to seek leave to move for reconsideration of the Order
23 or, in the alternative, seek certification of the Order for interlocutory appeal under 28 U.S.C. §
24 1292(b). Plaintiffs’ counsel informed Twitter that Plaintiffs did not intend to seek reconsideration
25 or appeal.
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1 I declare under penalty of perjury that the foregoing is true and correct. This declaration
2 was executed on October 4, 2021 in San Diego, California.

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4 /s/ Linh K. Nguyen

5 Linh K. Nguyen
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